

ORDINANCE NUMBER 20-041

An ordinance to amend Sections 5-1, 5-67, and 5-68 of the Beatrice City Code, regarding potentially dangerous animals; to repeal conflicting ordinances or parts of ordinances; and to provide for publication in pamphlet form and for an effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That Section 5-1 of the Beatrice City Code be and is hereby amended to include the following definition, the rest of Section 5-1 remains unchanged:

"Sec. 5-1. – Definitions.

Muzzling: Muzzling shall mean that the jaws of an animal are confined by a device that prevents it from biting."

SECTION 2. That Section 5-67 of the Beatrice City Code be and is hereby amended as follows:

"Sec. 5-67. – Confinement.

No person owning or harboring or having the care of a dangerous animal or a potentially dangerous animal shall permit such animal to go unconfined on the premises of such person.

(a) A dangerous animal is considered unconfined if such animal is not:

- (1) Confined indoors; or
- (2) Confined outdoors in an enclosed and locked pen or structure upon the premises of the person described above; provided the existence of such a pen or structure is permitted by zoning regulations.
 - (i) Such pen or structure shall be at least two (2) lengths of the dog or animal wide, four (4) lengths of the dog or other animal long, and two (2) lengths of

the dog or other animal high.

(ii) Such pen or structure must be constructed with a fencing material having openings no larger than two (2) inches for all four (4) sides and top.

(iii) If the pen or structure does not have a bottom secured to the side, the sides must be imbedded in the ground no less than one (1) foot, or have a concrete pad for the bottom.

(iv) The pen or structure shall be set back at least ten (10) feet from the nearest property line.

(v) All gates or entry points shall be lockable or of such design to prevent the entry of children or the escape of the animal.

(b) A potentially dangerous animal shall be considered confined if such animal is confined in a manner deemed appropriate above for the confinement of a dangerous animal; or if such potentially dangerous animal is:

(1) Confined outdoors in a yard:

(i) That is fully surrounded by a fence at least six (6) feet in height constructed of fencing material having openings no larger than two (2) inches; and

(ii) With all gates or entry points being lockable or of such design to prevent the entry of children or the escape of the animal.; or

(2) Muzzled at all times while outdoors and not confined to a pen or fence.

(c) Maintenance of a dangerous or potentially dangerous animal is not permitted in areas where such fences, structures or pens are not authorized by zoning regulations, unless such animal is muzzled.

(d) The owner of a dangerous or potentially dangerous animal shall securely restrain such animal by chain or leash as set forth in section 5-68 and muzzle, when moving the animal to or from such pen or structure."

SECTION 3. That Section 5-68 of the Beatrice City Code be and is hereby amended as follows:

"Sec. 5-68. – Leashing.


No person, owning, harboring, or having the care of a dangerous animal or a potentially dangerous animal shall permit such animal to be outdoors unless confined as required in section 5-67 or unless such animal is securely leashed with a leash of a fixed length no longer than four (4) feet, muzzled, and under the control of a person eighteen (18) years of age or older."

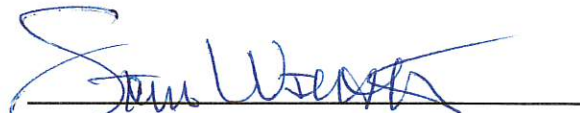
SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 16th day of November, 2020.

Attest:


Erin Saathoff, CMC, City Clerk


Stan Wirth, Mayor

